

Planning Board
Mar. 23, 2017
7:30 pm

Members Present: Barry Hantman-chairman, David Cogswell, Roger Whitehouse, Chris Giordano-alternate, Judi Cogswell-Selectmen's rep

Excused Members: Chip Current-vice chair, Chris Smith, Jim Castine

Others Present: Downey Shea, Charlie Zilch, Richard Moussa, Joshua Rabenius, William Downes, Wayne Skofield

Barry congratulated Chip and Roger who were recently re-elected to the Planning Board. All of the warrant articles presented by the Planning Board passed and will be incorporated into the 2017 Zoning Ordinance.

Correspondence:

- National Business Institute, seminar on business law April 13
- From the NHOEP, a reminder of the upcoming spring conference
- From Raymond, cell tower installation
- Town and City magazine, March/April 2017 edition

Barry explained that Chris Giordano decided to not run but become an alternate. Judi Cogswell attended tonight as the Selectmen's representative to give the board a voting quorum. Barry made and Roger seconded a **motion to accept Chris Giordano's application to become an alternate and to appoint him for an indefinite term.** Chris abstained. The motion **passed.** Judi excused herself from the meeting.

Minutes:

David made and Roger seconded a **motion to approve the March 9, 2017 minutes as amended.** Chris abstained. The motion **passed.**

Eastern Materials excavation permit renewal

Charlie Zilch, the engineer working for Downey Shea who owns the Eastern Materials gravel pit, explained that this meeting is to renew the excavation permit which expires every year. Plans were presented to the Board and it was explained that no changes are being proposed at this time.

Comments from Dennis Quintal, dated March 6, 2017, were discussed. The safety fence needs to be repositioned in one section. The steep slope on the western side will be done by the first or second week of September. The other items on the list are either completed or simply statements from the town engineer.

There has been some restoration done, about one and half acres, in the south east corner. There were no comments from the public.

Chris made and David seconded a **motion to grant a 30-day extension on the current permit to allow the applicant to address the issue of the safety fence.** The motion **passed** unanimously. Mr. Zilch said he will be back on April 13.

Subdivision review with Richard and Candace Moussa, 150 Emerald Drive, tax map and lot 2-40-3, to convert a duplex into a condo

Mr. Moussa explained that he is converting the duplex into a condo. There are no changes proposed to the lot, driveway, or structure. All of the abutters were notices properly and the Board received a request for some waivers. There were no questions from the Board or the public. Chris made and Roger seconded a **motion to accept the application**. The motion **passed** unanimously.

Barry asked Mr. Moussa to amend the application to state that it does not strictly comply with the Subdivision Regulations since he is requesting waivers. Mr. Moussa said he does comply with the regulations. It was explained to Mr. Moussa that if he does not request waivers, this Board will require him to comply with every detail of the regulations and some of the requirements do not necessarily apply to his particular situation, thus the waiver request. Mr. Moussa amended the application.

The condo by-laws, declaration, and a first amendment were given to town counsel for review but no comments have been made regarding them. The Board reviewed the waivers and the criteria for granting each waiver. Chris made and David seconded a **motion to grant a waiver to section III.d**. The motion **passed** unanimously. Chris made and David seconded a **motion to grant a waiver to section III.h**. The motion **passed** unanimously. Chris made and Roger seconded a **motion to grant a waiver to section V**. The motion **passed** unanimously. Roger made and Chris seconded a **motion to grant a waiver to section VI**. It was agreed that the construction standards still apply but the requirement to submit those in writing to the Board are waived. The motion **passed** unanimously.

The fifth waiver for section VII was discussed. It was agreed that no waiver is needed for this as there is nothing that says this is a required element for this application. After discussion, Chris made and David seconded a **motion to reduce the escrow amount from \$3000 to \$1000**. The motion **passed** unanimously.

The Board will need to see a sample deed and have this reviewed by town council. There were no other comments from the Board or the public. Mr. Moussa was told there is a limit of three dwelling units that can share a driveway. If he plans to put another duplex on the other lot, he will have to put in a different driveway for it.

Mr. Moussa was invited to come back to the Board on April 13. He asked about the stop-work order and said he hoped it could be lifted. He was told this is a matter to discuss with the Board of Selectmen. Mr. Moussa said he has plumbing, electrical, and fire inspections that he'd like to have done and he can wait for the final approval and Certificate of Occupancy from the building inspector. It was agreed that these few inspections probably should be done and any corrections that need to be made per these inspections. The Selectmen will be informed that Mr. Moussa has discussed this with the Planning Board and that this Board recommends lifting the stop-work order to allow Mr. Moussa to continue with the fire, plumbing, and electrical inspections until the subdivision review is complete. After the review is complete, the building inspector may then issue the certificate of occupancy when he deems appropriate.

Preliminary discussion regarding 34 Colby Road

Joshua Robenius introduced himself as the prospective buyer of 34 Colby Road. There is an easement on the property that gives access to tax map and lot 3-81-1, currently owned by William Downes.

The Board reviewed the subdivision approval granted in 2006 which created lot 3-81-1 from lot 3-81. The new lot was shown to have 200' of frontage along Colby Road but that area is all wet. To ensure access, an easement was created along the side and rear of lot 3-81. This plan was recorded at the Registry as D-33962. Mr. Robenius said that he's spoken with three different financial institutions and none of them will grant a loan if there is an easement on the property.

The Board discussed the access from Cub Pond Road. William Downes said his address is listed as 26 Cub Pond Road. The powerlines to the structure also come from Cub Pond Road. Mr. Downes said he will agree to eliminate the access but wants to ensure he has access to the portion of his property on which he's built a structure. He was told that Cub Pond Road is a private road and is for the residents who live off of it. The portion that he was access crosses parcels owned by others, including OSP Realty and the Westons. It was suggested that he research what is written in the Weston's deed, since they have to access the portion of the road that crosses what is owned by OSP Realty.

Mr. Robenius asked if a change in property lines would require permission from other property owners. He was told that is an option.

Billy's Way

Charlie Zilch presented a plan to the Board recorded in 1976 as B-6394. This shows a subdivision of land off of Route 111A and the 50' right-of-way that would eventually become Billy's Way. Mr. Zilch explained that Mr. Skofield owns lot 1 and got state and local approval for the subdivision, creating the paper street, which is currently graveled. A home is on lot 3, very close to the road. A detached garage was put in the back of the lot. Mr. Zilch asked if Billy's Way offers any legal frontage for another subdivision.

The Board had discussed this previously and there were several ideas discussed at this meeting, including bringing the road to current standards and inquiring with the fire department regarding the hammerhead. It was suggested that a duplex could be put on the larger lot, which would not require as much road to be built.

At 9:25pm Roger made and David seconded a **motion to adjourn**. The motion **passed** unanimously.

Agenda:

April 13, 2017

7:30pm	Minutes and correspondence
	Eastern Materials—excavation permit renewal
8:00pm	Moussa-duplex to condo
8:30pm	34 Colby Road

April 14, 2017

Barry's 23rd anniversary of participation on the Planning Board

April 27, 2017

7:30pm	Minutes and correspondence
7:40pm	15 Main St minor site plan
8:00pm	Conditional Use permit--Eversource